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UNITED NATIONS CONFERENCE ON TRADE AND DEVELOPMENT

Information on the Temporary Migration Regime (Laws and Implementing Regulations) in Force in Selected Developed Countries

Note prepared by the UNCTAD secretariat

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INTRODUCTION

1. This supporting paper complements the report prepared by the secretariat (TD/B/CN.4/43) on the impact of progressive liberalization on the development of competitive service sectors, and difficulties faced by developing countries which prevent them from increasing their participation in world trade in services. It takes into consideration the recent conclusion of the negotiations on movement of natural persons under the auspices of the World Trade Organization (WTO), which resulted in some modifications being introduced into the schedules of the General Agreement on Trade in Services (GATS).

2. The report (TD/B/CN.4/43) based its analysis on the commitments contained in the GATS schedules of selected developed countries: Australia, Canada, the European Communities and its Member States, Japan, New Zealand, Sweden, Switzerland and the United States of America - with respect to the *temporary movement of natural persons* mode of supply. It focused on the treatment of following categories: business visitors, personnel engaged in setting-up a commercial presence, intra-company transferees, and personnel in specialty occupations. TD/B/CN.4/43 has also drawn upon additional information on the temporary migration regime (laws and implementing regulations) in force in eight developed countries: Australia, Canada, Germany, Japan, Sweden, Switzerland, United Kingdom and United States of America. This information is presented in the attached tables 1 through 4.

3. The objective of the present supporting paper is to contribute to achieving greater transparency through assisting member countries in gaining direct access to the relevant body of knowledge. In this, the inventory provided by the UNCTAD database MAST (Measures Affecting Service Trade) is a useful tool. It analyses national legislation, enabling a comparison and a categorization that is more complete than the schedules of commitments. Paragraph 89 of TD/B/CN.4/43 stresses the need for searches in the law, as the information presented in the commitments is often of a very general nature.

I. NEGOTIATIONS ON MOVEMENT OF NATURAL PERSONS

4. The negotiations on the movement of natural persons were concluded on 28 July 1995. Six revised schedules were submitted: by Australia, Canada, the European Community, India, Norway, and Switzerland. The schedules will be annexed to the Third Protocol to the GATS, open for acceptance by Members concerned until 30 June 1996. If a Member whose schedule is annexed to the Protocol does not accept it by that date, the matter is to be referred to the Council for Trade in Services for consideration and appropriate action. The Decision on Movement of Natural Persons Commitments, adopted by the Council for Trade in Services on 21 July 1995, provides that until the date of entry into force of the third Protocol, Members should to the fullest extent consistent with their existing legislation not take measures inconsistent with their undertakings resulting from these negotiations. The Council would monitor such consistency. The Council on Trade in Services at its meeting on 21 July 1995 also agreed to give sympathetic consideration to the proposal by India that the Council, at its next meeting, should decide on the establishment of a Committee on Specific Commitments, which would, *inter alia*, oversee the implementation of Commitments on the movement of natural persons. The Committee would moreover examine the technical accuracy and legal consistency of Schedules and most favoured nations (MFN) exemptions.

5. The revised commitments put forth by Australia, Canada, the European Community, Norway and Switzerland relate to the movement of persons under service contracts for specific activities. This access is subject to certain strict conditions, including requirements of professional qualifications, prior employment with the juridical person who has no commercial presence in the Member country offering the commitment, limited duration (usually three months in any twelve- month period). In some cases an economic needs test is applicable to these additional categories.

6. In some schedules, additional conditions have been bound; notably in the Schedule of Switzerland where a special condition applies for intra-corporate transferees, employees of an enterprise outside Switzerland not having a commercial presence in Switzerland (other than enterprises providing services as defined by CPC 872) which have concluded a services contract with an enterprise engaged in substantive business in Switzerland. Five years of related experience is required for this.

II. MAST AS A USEFUL TOOL TO PROVIDE TRANSPARENCY

7. As emphasized in paragraph 89 of TD/B/CN.4/43, the approach to scheduling of commitments does not seem to provide an adequate degree of transparency, a point to be considered bearing in mind that transparency is not the primary purpose of these commitments. Often they do not draw a clear or complete picture of the types of limitations and requirements applicable to a particular category of personnel, enterprise or sector and do not provide other essential information required by service traders. Such information would include definitions of categories; sub-national legislation (i.e. provincial and state laws); labour-market test criteria, duration of work permits; whether any additional requirement applies to the employer for granting a work permit to service providers; existence of better or less favourable treatment to particular sectors; requirement of specific professional qualifications, i.e. licensing, etc.

8. Information for the MAST database has been compiled from the commitments made by countries in the context of the GATS as well as from national legislation of individual countries and legislation enacted by regional integration groups, as for example MERCOSUR. This compilation has been done through UNCTAD's own research and in collaboration with member States and regional and sub-regional organizations.

9. MAST research has revealed several difficulties related to the degree of transparency arising from lack of details whether in the schedules of commitments or in the national laws themselves. In this transparency exercise, the primary beneficiary is the private sector. Transparency can enhance the possibilities of enterprises to compete in a foreign market. Commonly, they are faced with obstacles such as language barriers, difficult access to legal and regulatory texts of individual countries and exceeding discretionary power left in the hands of administrative authorities to set rules. Thus, it is particularly important for them to have access to details of individual immigration legislation, and of administrative rules and procedures.

10. Hence, it may be concluded that transparency is needed especially with respect to:

a) The identification of conditions and limitations[1] concerning obligations of previous registration with the relevant body to which most providers of professional services are subject,[2] as stated in Article VI of GATS;

b) The identification of specific entry requirements and other criteria such as economic needs tests and other screening procedures, as mentioned in paragraph 40 of TD/B/CN.4/43;[3]

c) Further details on the duration of work permits and conditions for their renewal. In general, work permit periods range from two to five years, subject to renewal. However, further details concerning requirements for granting a visa or its renewal often appear only in administrative rules, entailing a cumbersome search procedure for a foreigner needing the information or for that matter even for the employer;[4]

d) Lack of details on sub-national legislation, that is of provincial and state legislation. Lack of information on professional licensing requirements at provincial level can hinder substantially the provision of professional services;[5]

e) Specific information regarding the different rules applicable to employment of foreigners in particular sectors;[6]

f) Definitions of categories are crucial for achieving transparency. In some cases a definition of the categories of persons allowed entry and temporary stay is necessary, as is reference to the laws and regulations which specifically relate to the movement of natural persons in the country as mentioned in paragraph 70 ff of the report (TD/B/CN.4/43).[7]

III. EFFORTS TOWARDS GREATER TRANSPARENCY

11. In view of this background, the attempts made by some developed and developing countries to bring transparency into their immigration regimes is to be highly commended. The following examples were examined:

A. Australia

12. The comprehensive *Procedures Advice Manual* issued by the Australian Immigration Department lets business people, executives and specialists obtain detailed information on the requirements for temporary resident visas and entry permits. For specialists, for instance, no labour market test is necessary if their proposed stay is for less than 12 months. The *Manual* also deals with employers. For instance, a satisfactory record of training is a condition imposed on the employer. In this, a general rule of one apprentice for every three tradespersons applies. However, employers with good training records may employ apprentices at a higher ratio.

13. The manual provides clarification on the specific requirements to be met by people who apply for several types of visa; e.g. for a business visa (class 662); for executives to establish branches of overseas companies in Australia or executives joining established businesses in Australia as top managers or senior managers (class 413); for specialists (class 414) the objectives of these classes, the legislative framework, the stay in the particular class or how to change the status to or from that class.

14. Moreover, it also encompasses detailed explanation on the requirements and definitions such as "specialist", "executive", "sponsorship", "suitable skills and experience", "employer's training record" or in the case of "business visitors", further information on requirements such as "adequate financial support required; types of forms (Form 48 for business visitors). In this sense, these guidelines are of invaluable assistance to entrants. It can help them to avoid cumbersome and time-consuming procedures.

B. Canada

15. Canada has issued a guide for American and Mexican business persons on *Temporary Entry to Canada under the North American Free Trade Agreement (NAFTA)*.[8] Although it refers only to intra-regional liberalization, it is still a very positive effort towards greater transparency in the context of labour mobility.

16. The guide sets out NAFTA requirements on temporary entry for business persons who are citizens of the United States or Mexico and involved in the trade of goods and services or in investment activities.

17. In addition, the guide explains that citizens of a non-NAFTA country, although permanent residents in the United States or Mexico, do not qualify for the same access under NAFTA. It also emphasizes that temporary foreign workers still require employment authorizations to work in Canada: a procedure known as the "job validation process" which involves a labour market test.

18. One of the interesting aspects of the Canadian booklet is that it also states what professional qualifications are required. In the case of professionals, Annex B sets the minimum education requirements and alternative credentials for various professions.[9]

19. In addition, the guideline provides clarification on the following terms:

(a) *Business Visitors:*[10] Most business visitors are granted entry for a period of up to six months. A visitor card may be issued at the discretion of immigration officials. There are special requirements applying to "after-sales service personnel", i.e. if purpose of the business visitor's entry is to install, repair, service, supervise or train workers to perform services. In this case the main requirement is "specialized knowledge";

(b) *Professionals:*[11] Professionals are not subject to the job validation process, but an employment authorization is required. An employment authorization issued at the time of entry can have a maximum duration of one year. Extensions are at the discretion of an immigration officer. In fact, there is no time limit on how long a professional can remain in Canada. Temporary entry may be extended as long as the "temporariness" of the situation remains *bona fide*. The arrangement to provide professional services can be through an employer-employee relationship with a Canadian enterprise; or a signed contract between the business person and a Canadian enterprise; or a signed contract between the business person's American employer and a Canadian enterprise;

(c) *Intra-company transferees:*[12] The same employment authorization referred to above is required for this category. The total period of stay for executives or managers is seven years, whereas for a person employed in a specialized knowledge capacity it is five years. In that category, clarification of terms such as: "doing business"; "executive capacity"; "managerial capacity" and "specialized knowledge" are also provided;

(d) *Traders and Investors*: Traders and investors can be required to prove that the company in Canada has United States or Mexican nationality. These categories are not subject to the job validation procedure mentioned above. However, they are required to provide detailed information of their trading activities, or current or planned investment. This procedure is carried out by a simple procedure.

20. In general, requirements for obtaining a visa are commonly established in administrative rules that are not easily accessible to foreigners. Conversely, in certain cases, these requirements are stated in the law itself. This can improve considerably a foreigner's chances to become acquainted with the terms of the requirements (often the text is published in an official gazette). Countries that specify the requirements to obtain a visa in the law itself,[13] could base their approach on the Canadian or Australia examples. When such information is set out in a manual or guide, foreign applicants as well as the Governments concerned themselves would save a considerable amount of time.

21. In this context, other member countries and organizations active in this area are invited to bring to the UNCTAD secretariat's attention further information on the issues mentioned above. This would greatly contribute to the transparency exercise; the secretariat intends to circulate among its members the information obtained.

IV. THE CONTRIBUTION OF UNCTAD AND THE EFFORTS OF OTHER ORGANIZATIONS

22. Apart from the efforts mentioned above in the introduction, UNCTAD has also been cooperating with several organizations. It has collaborated with the ALADI secretariat and the OAS Trade Unit in compiling information on measures affecting service trade among Latin American countries so as to assist in their intra-negotiations on liberalization of trade in services. Other regional or international organizations such as the World Tourism Organization and the Pan American Health Organization have also joined UNCTAD in these efforts. UNCTAD also intends to assist developing countries, in particular African countries, within the context of the CAPAS Project. Along these lines, par-icular emphasis is being given to the identification of measures relating to labour mobility.

23. Several other international organizations have also contributed to the pursuit of greater transparency. For instance, the OECD has published a series of studies on labour mobility, and particular efforts were made to obtain responses to a questionnaire submitted to its member countries with a view to elucidating further the "key personnel" issue.[14] ILO has developed a database that contains information on labour, social security and related human rights legislation. Its Labour Law Information Branch has also created and developed another database, ILOLEX, that contains information about international labour standards.

Notes

1. For example, requirements for obtaining a trader's license, e.g. documents testifying to the qualifications of the person concerned. See the schedule of Tunisia.

2. For instance, in Argentina, Law 23.183/85 requires a license for the provision of legal services. In Brazil, Law 4215/64 requires passing an examination at the Law Society for practicing the legal profession. Sometimes the wording is of such a general nature that it could lead to the misleading conclusion that there is no condition of nationality or any other special conditions applying to the sector, whereas, in fact, particular limitations do exist. That is, for instance, the case of Chile where legal professionals can appear before the "*Tribunal de Justicia*" or any other administrative body, as long as they are entitled to practice in the country. According to the law, however, the condition of nationality applies in the specific case of titles of lawyers awarded by the Chilean Supreme Court (See DFL 153/81 MINUDUC).

3. In Australia, for instance, an economic needs test is not applied to natural persons who have specialized knowledge at an advanced level of a proprietary nature of a company's operations, and have been employed by the company for a period not less than two years (this commitment remained in the offer of 28 July 1995). But, it nevertheless, applies to ordinary foreign employees (Employer Nomination Scheme: Labour Market Test: Extract from Procedure Advice Manual: Employer Nomination Scheme [2nd Edition, August 1990]).

4. In Japan, for example, the period of stay for "Investor/Business Manager" can be three years, one year or six months, but it is reduced for engineers, specialists in humanities/international services and intra-company transferees. The latter can be either one year or six months. In fact, in most developed countries, the work permit is restricted to a specific post, job and place of employment. That is the case in Canada, Australia, Norway and the United Kingdom, for example (See OECD, DAFFE/INV/IME(95) 24/ADDI).

5. In Canada, for example, knowledge of provincial legislation is crucial. See as illustration the details on the Canadian schedules on professional services on labour mobility. Licensing is required in some provinces for specific sectors; e.g. for agrologists in the provinces of New Brunswick, Alberta and Québec; for forester or forestry engineer in Alberta, British Columbia and Québec.

6. Some countries restrict specific professions to their own nationals. In Tunisia, for instance, non-nationals may not engage in activities such as building manager, commission agent, broker, commercial agent, consignee, general representative, sales representative, commercial traveller and commercial representative.

7. See, for instance, the schedules of Sweden (Aliens Act, L 1989:529, and Aliens Ordinance, Ordinance 1989:547) and Egypt which refers expressly to the law with respect to the quota for foreign personnel (Code - Law no. 137/1981 - and its executive regulations).

8. Citizenship and Immigration Canada, No. IM-302-10-94E.

9. See *Ibid.*

10. "*... a business person seeking to engage in a business activity set out in Appendix 1603.A.1, without requiring that person to obtain an employment authorization, provided that the business person otherwise complies with existing immigration measures applicable to temporary entry...*". *Ibid.* The Appendix refers to NAFTA.

11. " .... a business person seeking to engage in a business activity at a professional level in a professional set out in Appendix 1603.D.1, if the business person otherwise complies with existing immigration measures applicable to temporary entry..." Ibid.

12. ".... business person employed by an enterprise who seeks to render services to that enterprise or a subsidiary or affiliate thereof, in a capacity that is managerial, executive or involves specialized knowledge, provided that the business person otherwise complies with existing immigration measures applicable to temporary entry...". Ibid.

13. In Chile, for instance, the law states that a foreigner who wishes to enter Chile needs to present a certificate demonstrating good health and lack of a criminal record. See Ley de Extranjeria (DL 1094/75) y su Reglamento (DS 597/84, Art. 10 and 16.

14. See note 4, above.

Table 1: Summary of Bindings for Business Visitors: Selected Developed Countries

Country	Definition	Duration	Wages and Benefits	Displacement of Nationals	Quotas	Skills and Competencies	Other Limitations
AUSTRALIA	Visitor not based in Aust.; to negotiate service sales agreement; no direct sales or provision of service to public	initial stay up to 6 months; renewable to 12 months	remuneration and financial support entirely from sources outside Austr.	no limitation as long as remuneration condition are met	no limitation	no limitation other than to meet Definition (column 2)	unclear but national treatment measures that may apply to this group are bound
CANADA	Visitor allowed: (1) business contacts incl. negotiations sale of service; no direct sales or provision of serv. to public; (2) prepare establish comm. presence	up to 90 days	no explicit limitation on source of information	no limitation	no limitation	no limitation other than to meet Definition (column 2)	unclear but national treatment measures that may apply to this group are bound
EUROPEAN COMMUNITIES MEMBER STATES	Visitor not resid. in a member State allowed to negotiate service sales; no direct sales or provision of serv. to public;	not specified in schedule; subject to each member State time limitation	not specified in schedule; subject to each member State remuneration limitation	no limitation	no limitation	no limitation other than to meet Definition (column 2)	unclear but national treatment measures that may apply to this group are bound

Table 1 (continued)

Country	Definition	Duration	Wages and Benefits	Displacement of Nationals	Quotas	Skills and Competencies	Other Limitations
JAPAN	Visitor allowed: (1) participation busin. contacts and negotiation sale of services; no direct sales or provision of service to gen. public; (2) establishment comm. presence	90 days maximum	no local remuneration	no limitation	no limitation	no limitation other than to meet Definition (column 2)	unclear but national treatment measures that may apply to this group are bound
NEW ZEALAND	Visitor allowed negotiation for service sales; no direct sales to public	up to three months per calendar year	no limitation on source of remuneration	no limitation	no limitation	no limitation other than to meet Definition (column 2)	unclear but national treatment measures that may apply to this group are bound
SWEDEN	Visitor not based in Sweden allowed: (1) negotiate service sales; no direct sales or provision of serv. to public; (2) senior manager or executive to set comm. presence if no other comm. presence in Sweden exists	up to three months	for visitor (1): no remuneration from local source; for visitor (2): unclear	no limitation	no limitation	no limitation other than to meet Definition (column 2)	unclear but national treatment measures that may apply to this group are bound

Table 1 (continued)

Country	Definition	Duration	Wages and Benefits	Displacement of Nationals	Quotas	Skills and Competencies	Other Limitations
SWITZERLAND	Visitor allowed to conclude contract for sales of service on behalf of enterprise; no direct sales or provision of service to public	up to three months within one year; at least two months abroad must elapse before a new authorization to enter is granted	no local remuneration	no limitation	schedule of commitments would seem to suggest that Switzerland reserve the right to limit number of such entry on basis of quotas (see text for discussion)	no limitation other than to meet Definition (column 2)	unclear but national treatment measures that may apply to this group are bound
UNITED STATES OF AMERICA	Visitor allowed to negotiate sales of service; no direct sales or provision of service to public	up to 90 days	no remuneration from source located in the U.S.	no limitation	no limitation	no limitation other than to meet Definition (column 2)	The United States did not bind limitations on national treatment that might apply to this category of personnel

Table 2: Summary of Bindings for Personnel Engaged in Setting Up an Establishment: Selected Developed Countries

Country	Definition	Duration	Wages and Benefits	Displacement of Nationals	Quotas	Skills and Competencies	Other Limitations
AUSTRALIA	Independent executives who qualify as executives and senior managers and intend to set up presence for supplier with no other presence in Australia	up to two years	no explicit limitation	no labour market test	no limitation	no limitation other than to meet Definition (column 2)	Under current entry regime for Independent Executives (Class 412), minimum investment required based on age of applicant plus approval from Foreign Investment Board required. Also, national treatment measures that may apply to this group are bound
CANADA	Included under **Business Visitors**						
EUROPEAN COMMUNITIES MEMBER STATES	Person working in senior position, not engaged in making direct sales or supplying service, and service provider who has no other establishment in that Member State	not specified in schedule; subject to each member State time limitation	not specified in schedule: subject to each member State remuneration limitation	no limitation	no limitation	no limitation other than to meet Definition (column 2)	unclear but national treatment measures that may apply to this group are bound

Table 2 (continued)

Country	Definition	Duration	Wages and Benefits	Displacement of Nationals	Quotas	Skills and Competencies	Other Limitations
JAPAN	Included under **Business Visitors**						
NEW ZEALAND	Included under **Intra-Company Transferees**						
SWEDEN	Included under **Business Visitors**						
SWITZERLAND	Employee of service supplier for no less than one year and who qualifies as executive or senior manager for purpose of setting up commercal presence. No direct sales or service supply	up to three months within one year; at least two months abroad must elapse before a new authorization to enter is granted	unclear, but there might be a limit on local remuneration	no limitation	schedule of commitments would seem to suggest that Switzerland reserve the right to limit number of such entry on basis of quotas (see text for discussion)	no limitation other than to meet Definition (column 2)	unclear but national treatment measures that may apply to this group are bound

Table 2 (continued)

Country	Definition	Duration	Wages and Benefits	Displacement of Nationals	Quotas	Skills and Competencies	Other Limitations
UNITED STATES OF AMERICA	Person, who has been employed by service supplier in the immediately preceeding year, to set up presence in service sectors bound by the U.S. in section II of its schedule and that will support employment of intra-company transferees as defined in schedule	up to one year; renewable up to two years	no limitation	no limitation	no limitation	no limitation other than to meet definition (column 2)	The United States did not bind limitations on national treatment that might apply to this category of personnel. Proof of acquisition of physical premises to be used to commence business within one year of date of entry of subject person

Table 3: Summary of Findings for Intra-Company Transferees: Selected Developed Countries

Country	Definition	Duration	Wages and Benefits	Displacement of Nationals	Quotas	Skills and Competencies	Other Limitations
AUSTRALIA	Executive and senior managers responsible for company or branch/dept. of company. Length of prior employment with the firm unclear	four years renewable up to four more years	comparable to Australian or resident in similar position	no limitation	no limitation	Suitable qualification and experience	unclear but national treatment measures that may apply to this group are bound
CANADA	Executives and managers who direct company or department, specialist at advanced level of expertise and in possession of proprietary knowledge. Employed by firm no less than one year prior to transfer	maximum of three years	comparable to nationals	no limitation	no limitation	unclear	unclear but national treatment measures that may apply to this group are bound

Table 3 (continued)

Country	Definition	Duration	Wages and Benefits	Displacement of Nationals	Quotas	Skills and Competencies	Other Limitations
EUROPEAN COMMUNITIES MEMBER STATES	Person working in a senior position including directing the establishment or a department and person possessing uncommon knowledge essential to establishment; employed by firm at least one year prior to transfer	not specified in schedule; subject to each Member State's time limitation	not specified in schedule; subject to each Member State's limitations	not specified in schedule; subject to each Member State's limitations	not specified in schedule; subject to each Member State's limitations	subject to each member State's limitations	unclear but national treatment measures that may apply to this group are bound
JAPAN	Person who directs establishment or one of its establishments or persons with advanced knowledge. Employed minimum of one year by supplier immediately preceeding transfer	up to five years	comparable to remuneration of national	unclear	no limitation	college-level education and relevant experience	unclear but national treatment measures that may apply to this group are bound

Table 3 (continued)

Country	Definition	Duration	Wages and Benefits	Displacement of Nationals	Quotas	Skills and Competencies	Other Limitations
NEW ZEALAND	Executives and senior managers employed for at least twelve months prior to transfer.	up to three years renewable	unclear but believed to need to be comparable to remuneration of nationals	no limitation	no limitation	skills defined on basis of employment experience and suitability for position	unclear but national treatment measures that may apply to this group are bound
	Specialist and/or senior personnel (1) to handle specialized task at senior level; or (2) the establishment of a commercial presence. Length of prior employ. with company unclear	up to twelve months renewable	believed to need to be comparable to remuneration of nationals	no limitation	no limitation	skills defined on basis of employment experience and suitability for position	unclear but national treatment measures that may apply to this group are bound
SWEDEN	Managers, executives and specialists. Specialists possess advanced or special qualifications or knowledge; must have been employed by firm one year immediately prior to transfer	initially up to two years; renewable	minimum monthly salary	unclear but some individuals may be subject to labor market test	apparently no limitation	unclear	unclear but national treatment measures that may apply to this group are bound

Table 3 (continued)

Country	Definition	Duration	Wages and Benefits	Displacement of Nationals	Quotas	Skills and Competencies	Other Limitations
SWITZERLAND	Essential personnel incl. executives, senior managers and specialists. Specialists are highly qualified persons at advanced level of expertise. Employed by firm minimum of one year immediately prior to transfer	Up to three years; can be extended to four years	comparable to others employed in branch and consistent with collective agreements	unclear whether labor market test applies	subject to quotas (mostly B permits and short-term permits)	unclear	national treatment measures that may apply to this group are bound
UNITED STATES OF AMERICA	Managers, executives and specialists in the employ of their firm at least one year immediately prior to transfer. Specialist is at an advanced level of knowledge.	up to three years, renewable for two more years. No more than five year total.	comparable to national or permanent resident	no limitation	no limitation	mixture of experience and education	The United States did not bind limitations on national treatment that might apply to this category of personnel

Table 4: Summary of Bindings for Specialty Personnel: Selected Developed Countries

Country	Definition	Duration	Wages and Benefits	Displacement of Nationals	Quotas	Skills and Competencies	Other Limitations
AUSTRALIA	Binding of current regime for Class 414 visas. Specialists as persons with trade, technical or professional skills	initial up to two years; additional two years up to four years	comparable to Australian or resident in similar position	labour market test or position covered by labour agreement. See discussion of economic needs test in text.	no limitation	skills assessed based on employment experience, qualifications and suitability for position	unclear but national treatment measures that may apply to this group are bound
CANADA	Professionals: persons seeking to engage in service supply in a profession set out in Chart A of schedule (engineers, agrologists, architects, forestry prof., geomatics prof., land surveyor)	up to 90 days	no explicit limitation on source of remuneration	no limitation	no limitation	educational and licensing requirements described in Chart A	unclear but national treatment measures that may apply to this group are bound
EUROPEAN COMMUNITIES MEMBER STATES	no offer						

Table 4 (continued)

Country	Definition	Duration	Wages and Benefits	Displacement of Nationals	Quotas	Skills and Competencies	Other Limitations
JAPAN	Specialist as intra-company transferee in six professions (four legal profess., accountant and tax profess.) employed minimum of one year by supplier	up to five years	comparable to remuneration of national	unclear	no limitation	college-level education and must meet relevant Japanese laws on professional qualifications as noted in schedule	unclear but national treatment measures that may apply to this group are bound
NEW ZEALAND	Specialist personnel as intra-company transferee in trade, technical or professional occupations; length of prior employ. with company unclear	up to three years	comparable to remuneration of nationals	labour market test	no limitation	skills defined on basis of employment experience, qualifications and suitability for position	unclear but national treatment measures that may apply to this group are bound
	Installers and services, as intra-company transferee, of machinery/ equipment where installation/serv. is condition of purchase; length of prior employ. with company unclear	up to three months	no apparent limitation	no limitation	no limitation	no apparent limitation	unclear but national treatment measures that may apply to this group are bound
SWEDEN	no offer						

Table 4 (contineud)

Country	Definition	Duration	Wages and Benefits	Displacement of Nationals	Quotas	Skills and Competencies	Other Limitations
SWITZERLAND	no offer						
UNITED STATES OF AMERICA	Binding of current regime for H1-B visas. Fashion models and specialty occupations	up to three years	comparable to nationals or permanent residents	economic needs test is discussed in text	65,000 annual quota	mixture of experience, education (typically 4-year university bachelor degree), and licensure when appropriate	The United States did not bind limitations on national treatment that might apply to this category of personnel.

Procedures Advice Manual

Visitor Visas and Entry Permits

5 Business (Class 662)

1st edition
December 1989

Department of Immigration, Local Government and Ethnic Affairs

Procedures Advice Manual

Temporary Resident Visas and Entry Permits

8 Specialist

(Class 414)

2nd edition
March 1990

Incorporates Regulations made under the *Migration Act 1958* on or before 20 February 1990

Department of Immigration, Local Government and Ethnic Affairs

Procedures Advice Manual

Temporary Resident Visas and Entry Permits

7 Executive

(Class 413)

2nd edition
March 1990

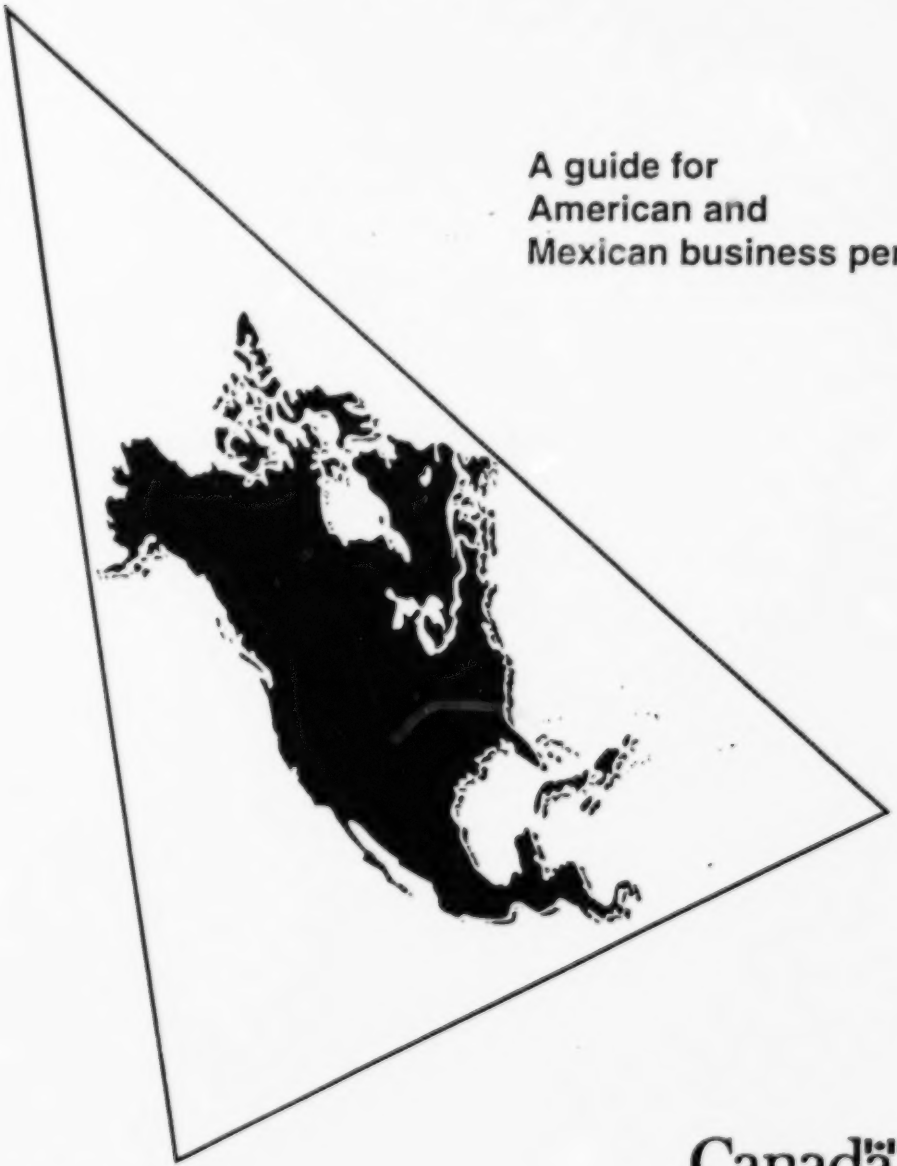
Incorporates Regulations made under the *Migration Act 1958* on or before 20 February 1990

Department of Immigration, Local Government and Ethnic Affairs

Citizenship and Immigration Canada
Citoyenneté et Immigration Canada

Temporary Entry to Canada under the North American Free Trade Agreement

A guide for American and Mexican business persons



Canada

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